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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,705	08/23/2001	John R. Milton	10010980-1	1769

7590 09/14/2005	**EXAMINER**
HEWLETT-PACKARD COMPANY	BOVEJA, NAMRATA

HEWLETT-PACKARD COMPANY
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ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 August 2001_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-22 are presented for examination.

Objections

2.   The claims are objected to because of the following informalities. Claims 1 and 7

recite "the at least one" and should recite "at least one" instead. Appropriate correction

is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
subject to the conditions and requirements of this title.

3.   Claims 9-16 are rejected under 35 U.S.C. 101, because the claimed invention is

directed to non-statutory subject matter.

The claimed invention taken as a whole is directed to a mere computer program

(a program listing/code), i.e., to only its description or expression. The claim is

descriptive material per se and hence non-statutory. A computer program (a program

listing/code) is merely a set of instructions capable of being executed by a computer;

the computer program (a program listing/code) itself is not a process. A claim for a

computer program (a program listing/code), without the computer-readable medium

needed to realize the computer program's functionality, is non-statutory functional

descriptive material. See MPEP §2106 IV. B. 1. (a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-22, are rejected under 102(e) as being anticipated by Kramer et al

(Patent Number 6,327,574 hereinafter Kramer).

In reference to claims 1, 9, and 17, Kramer discloses a method, program, and

system for populating at least one region in a publication, comprising: associating a

priority with each of a number of content items to be populated into the at least one

region of the publication in a computer system (col. 23 lines 15 to col. 24 lines 35 and

Figure 10); and populating the at least one region with the content items in an order

corresponding to the priority associated with each of the content items (col. 30 lines 61

to col. 61-67).

4.   In reference to claims 2, 10, and 18, Kramer teaches the method, program, and

system further comprising identifying the number of content items with which to

populate the at least one region of the publication (col. 31 lines 6 to col. 32 lines 23).

5.   In reference to claims 3, 11, and 19, Kramer teaches the method, program, and

system further comprising discarding select ones of the content items that do not fit

within a remaining unpopulated portion of the at least one region (i.e. due to the limited

space on for example a credit card statement that is allocated to each merchant, there

is insufficient space for displaying all the content, so the content can be cycled through

by using a content rotator or a hyperlink that opens up the detailed content in a separate browser window, or the content can be discarded if the website owner such as the MultiBank in the case of the reference decides to implement a policy of having only a specific number of lines in the bank statement being illuminated with advertisements and leaving the rest of the lines blank and/or only allowing certain merchants to illuminate their statement lines) (col. 21 lines 48-50, col. 31 lines 18-52, and Figures 15-18).

6.   In reference to claims 4 and 12, Kramer teaches the method, program, and system, further comprising shortening select ones (i.e. show a detailed set of books for children by age in a new browser window as seen in Figure 18 after showing the broader category of children's books in general at first due to a line advertising space limitation in the original browser window of Figure 14 for each content provider) of the content items that do not fit within a remaining unpopulated portion of the at least one region (col. 21 lines 48-50, col. 32 lines 24 to col. 33 lines 20 and Figures 17 and 18).

7.   In reference to claims 5, 13, and 20, Kramer teaches the method, program, and system, further comprising resolving a priority conflict between at least two of the content items having a same priority associated therewith (i.e. each illumination could have a match score between 0 and 1, and therefore two can have the same match score and could then both be displayed in turns by using the star button which would show the second illumination upon clicking by the user, or, one could be displayed in one section of the screen and the other illumination could be displayed at another section of the screen simultaneously) (col. 7 lines 29-53 and col. 31 lines 6-38).

8.   In reference to claims 6, 14, and 21, Kramer teaches the method, program, and

system, further comprising: identifying a preference associated with select ones of the

content items (col. 8 lines 14-63 and col. 32 lines 24 to col. 33 lines 26, Figures 5A, 5B,

17, and 18) and adjusting the priority associated with the select ones of the content

items based upon the preference (col. 8 lines 14-63 and col. 32 lines 24 to col. 33 lines

26, Figures 5A, 5B, 17, and 18).

9.   In reference to claims 7 and 15, Kramer teaches the method, program, and

system, wherein the step of populating the at least one region with the content items in

the order corresponding to the priority associated with each of the content items further

comprises specifying the order to be from a highest priority to a lowest priority (col. 23

lines 15-22, col. 24 lines 16-35, and col. 32 lines 53-57).

10.   In reference to claims 8 and 16, Kramer teaches the method, program, and

system, wherein the step of identifying the number of content items with which to

populate the at least one region of the publication further comprises identifying the

content items based upon a predefined criteria provided by a user (i.e. when user

volunteers information by performing certain actions, this becomes a predefined criteria

provided by the user) (col. 10 lines 25-45, col. 12 lines 7-26, col. 13 lines 55-col. 15

lines 21, and col. 32 lines 45 to col. 33 lines 14).

11.   In reference to claims 22 and 23, Kramer teaches the method and system for

populating at least one region in a publication, comprising: identifying a number of

content items with which to populate the at least one region of the publication in a

computer system (i.e. this could be limit set by the owner of the website) (col. 31 lines

39 to col. 32 lines 2, col. 8 lines 41-63, and Figures 5A and 5B); associating a priority

with each of the content items (col. 23 lines 15 to col. 24 lines 35 and Figure 10),

identifying a preference associated with select ones of the content items (col. 8 lines 14-

63 and col. 32 lines 24 to col. 33 lines 26, Figures 5A, 5B, 17, and 18), adjusting the

priority associated with the select ones of the content items based upon the respective

preferences (col. 8 lines 14-63 and col. 32 lines 24 to col. 33 lines 26, Figures 5A, 5B,

17, and 18), populating the at least one region with the content items in an order

corresponding to the priority associated with each of the content items (col. 7 lines 29-

53 and col. 30 lines 61 to col. 32 lines 23), and discarding select ones of the content

items that do not fit within a remaining unpopulated portion of the at least one region

(i.e. due to the limited space on for example a credit card statement that is allocated to

each merchant, there is insufficient space for displaying all the content, so the content

can be cycled through by using a content rotator or a hyperlink that opens up the

detailed content in a separate browser window, or the content can be discarded if the

website owner such as the MultiBank in the case of the reference decides to implement

a policy of having only a specific number of lines in the bank statement being

illuminated with advertisements and leaving the rest of the lines blank and/or only

allowing certain merchants to illuminate their statement lines) (col. 21 lines 48-50, col.

31 lines 18-52, and Figures 15-18).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure include the following.

a)   Herz Patent Number 6,460,036. Teaches the system and method for

providing customized electronic newspapers and target advertisements.

b)   Robinson Patent Number 5,918,014. Teaches an automated collaborative

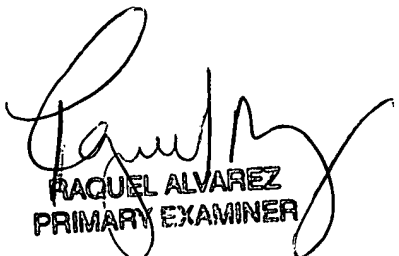filtering in World Wide Web advertising.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is

571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8105. On July 15, 2005, the Central FAX Number will change to **571-273-8300**.

This new Central FAX Number is the result of relocating the Central FAX server to the

Office's Alexandria, Virginia campus.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

NB

September 6, 2005

RAQUEL ALVAREZ
PRIMARY EXAMINER